in open market are perhaps to be distinguished from those at private sale. As against subscribers for stock, there must be a full disclosure in prospectuses of a company. *New Brunswick Ry. v. Muggeridge*, 1 Dr. & Sm. 363; *2 Pom. Eq. Jur.* 881; and for any failure in this respect the directors may be held. *Edgington v. Fitzmaurice*, 29 Ch. Div. 459; *Cent. Ry. v. Kisch*, L. R. 2 H. L. 99.

CRIMINAL LAW—FORMER JEOPARDY—SINGLENESS OF TRANSACTION.—MANN v. COMMONWEALTH, 80 S. W. 438 (KY.). Defendants broke into a house at night with intent to steal money, which they abstracted from the householder's pocket, and on his awakening shot him. *Held*, that the burglary and the shooting do not constitute a single transaction out of which two offences cannot be carved, so as to render a conviction of the shooting a bar to the prosecution of burglary.

The concurrence of opinion among the courts of the various states with the above decision is quite general. The same individual may at the same time and in the same transaction commit two or more distinct crimes, aud an acquittal of one will not be a bar to punishment for the other. *State v. Standifer*, 5 Porter 523. In *People v. Warren*, 1 Parker C. C. 338, a trial and acquittal on an indictment for an attempted killing of one was considered no bar to a subsequent indictment charging the same defendant with attempting to kill another by the same act. Nevertheless a decision essentially contrary to these was rendered by the court of Vermont in *State v. Damon*, 2 Tyler 390, but it is said in a note to *Archibald's Crim. Pr. & Pl.*, 112 to be against the weight of authority and repugnant to reason, and by *Bennett & Heard, L. C. C.*, 534 to be clearly not law.

CRIMINAL LAW—SECURING EVIDENCE—PARTICIPATION IN ACT BY HIM AGAINST WHOM IT IS COMMITTED.—PEOPLE v. MILLS, 70 N. E. 786 (N. Y.).—A district-attorney, being informed of a plot to make away with certain pending indictments, himself obtained them and secured their delivery to the accused by one of his agents, in pretended furtherance of the scheme. *Held*, that nevertheless the accused was guilty of the crime of stealing them. O'Brien and Bartlett, JJ., *dissenting*.

Consent to a crime by him against whom it is committed is ordinarily no defense. *Reg. v. Clisin*, 8 Car. & P. 418; 1 *Bish. Cr. Law*, 259. Nor can the participation avail where the accused has himself committed all the essential acts. *State v. Jansen*, 22 Kan. 498; *State v. Hayes*, 105 Mo. 76. Under this rule would fall those cases where the crime is more directly against the peace of the state and the agent, by becoming a party to it, furnishes the opportunity for its commission, as in the illegal sale of lottery tickets. *People v. Noelke*, 94 N. Y. 137. But where the crime is against an individual and he instigates it, there would seem to be no liability on the part of the accused. *O'Brien v. State*, 6 Tex. App. 665; *People v. McCord*, 76 Mich. 200; *King v. McDaniel*, 2 East P. C. 665. Nor where consent destroys an essential element of the crime; *People v. Liphardt*, 105 Mich. 80; 1 *Wharton, Cr. Law*, 751 i; even though the accused thinks the consenting person is acting merely as his agent. *Williams v. Ga.*, 55 Ga. 391. But passively to permit a crime to be committed does not prevent a conviction. *Warner v. State*, 72 Ga. 745; *State v. Jansen, supra*. And though consent may prevent conviction for one crime, it may not destroy another cognate to it which is involved in the same transaction. *Reg. v. Johnson*, Car. & M. 218.